

161  
Application No. 09/922,496  
Paper Dated: March 15, 2004  
In Reply to USPTO Correspondence of December 4, 2003  
Attorney Docket No. 3265-011266

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/922,496  
Applicant : Mark Carnall  
Filed : August 3, 2001  
Title : KARABINERS  
Group Art Unit : 3677  
Examiner : James R. Brittain  
Docket No. : 3265-011266  
Customer No. : 28289

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MAR 22 2004  
GROUP 3600

Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

LETTER

Sir:

The Applicant received a Notice of Abandonment of the above-identified patent application dated December 4, 2003 for failure to timely respond to the Office Action mailed May 9, 2003. In response, the Applicant submitted a Petition to Withdraw Notice of Abandonment under 37 C.F.R. § 1.181(a) dated December 19, 2003. The Petition was duly certified as being deposited as first class mail and was accompanied by a return postcard. The return postcard has not been received by the Applicant's attorneys.

Adjustment date: 03/19/2004 SDIRETA1  
02/25/2004 CASHING 00000001 051328 09922496  
01 FC:1601 770.00 CR

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on March 15, 2004.

Maria N. Dupain  
(Name of Person Mailing Paper)

Maria N. Dupain  
Signature

03/15/04  
Date

{W0110551.1}

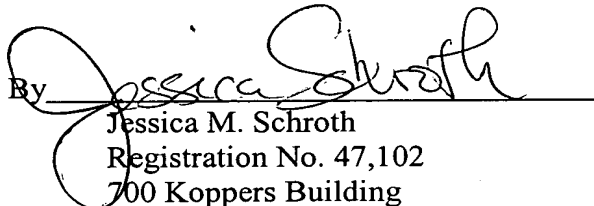
The Applicant hereby requests action on the previously filed Petition.  
Enclosed herewith are copies of the following:

- 1) the Petition to Withdraw Notice of Abandonment under 37 C.F.R. § 1.181(a) dated December 19, 2003;
- 2) the return postcard filed therewith;
- 3) a postcard receipt date-stamped by the OIPE on November 13, 2003, indicating receipt in the U.S. Patent and Trademark Office;
- 4) an Amendment/Extension of Time Transmittal Letter dated November 10, 2003;
- 5) a Petition for a Three-Month Extension of Time dated November 10, 2003;
- 6) a check in the amount of \$475.00 for the three-month extension of time;
- 7) an Amendment dated November 10, 2003;
- 8) a check in the amount of \$43.00 for an additional independent claim;
- 9) an Office Action dated May 9, 2003; and
- 10) a Notification of Abandonment dated December 4, 2003.

The Applicant respectfully requests that the Notice of Abandonment be withdrawn and the patent application be submitted for further prosecution.

Respectfully submitted,

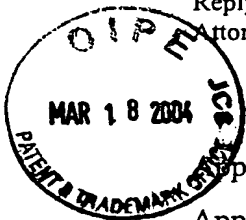
WEBB ZIESENHEIM LOGSDON  
ORKIN & HANSON, P.C.

By   
Jessica M. Schroth  
Registration No. 47,102  
700 Koppers Building

436 Seventh Avenue  
Pittsburgh, PA 15219-1818  
Telephone: (412) 471-8815  
Facsimile: (412) 471-4094

Attorney for Applicant

Appl. No. 09/922,496  
Petition dated November 10, 2003  
Reply to Office Action of May 9, 2003  
Attorney Docket No. 3265-011266



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/922,496  
Applicant : Mark Carnall  
Title : KARABINERS  
Filed : August 3, 2001  
Group Art Unit : 3677  
Examiner : James R. Brittain

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION FOR THREE MONTH EXTENSION OF TIME

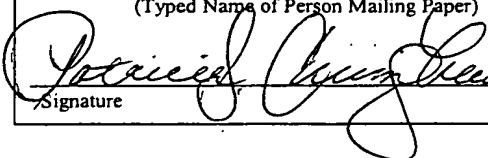
Sir:

The Applicant requests a three-month extension of time in which to respond to the outstanding Office Action. The outstanding Action was mailed on May 9, 2003, and the period set for response was three months, bringing the response to be due on August 9, 2003. Therefore, a three-month extension of time will bring the response due on November 9, 2003. Because November 9, 2003 falls on a Sunday, the response becomes due on the next business day, which is Monday, November 10, 2003.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 10, 2003.

Patricia S. Cunningham

(Typed Name of Person Mailing Paper)

  
Signature Date 11-10-03

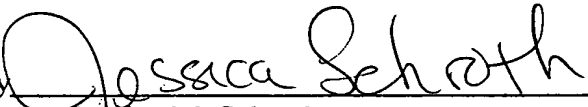
Appl. No. 09/922,496  
Petition dated November 10, 2003  
Reply to Office Action of May 9, 2003  
Attorney Docket No. 3265-011266

A check in the amount of \$475.00 is enclosed to cover the extension fee. A response to the outstanding Action is filed concurrently herewith.

The Commissioner for Patents is hereby authorized to charge any additional fees which may be required to Deposit Account No. 23-0650. Please refund any overpayment to Deposit Account No. 23-0650. The original and two copies of this Petition are enclosed.

Respectfully submitted,

WEBB ZIESENHEIM LOGSDON  
ORKIN & HANSON, P.C.

By 

Jessica M. Schroth  
Registration No. 47,102  
Attorney for Applicants  
700 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219-1818  
Telephone: (412) 471-8815  
Facsimile: (412) 471-4094  
E-mail: [webblaw@webblaw.com](mailto:webblaw@webblaw.com)



#16/copies of  
papers #12  
13, 11  
602  
5/13/04

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The dating stamp of the Patent Office on this card will be taken as an indication that the accompanying paper was filed.

Enclosures:

Petition to Withdraw Notice of Abandonment Under 37 C.F.R. § 1.181(a) (2 pp.)

Applicant(s) Mark Carnall

Application No. 09/922,496

Paper dated December 19, 2003

Atty's File No. 3265-011266

Initials RDO/JMS/mnd

Copy of each:

Postcard, Amendment and Extension of Time transmittal, Petition for Extension of Time, check in the amount of \$475.00, Amendment dated November 10, 2003, copy of check in the amount of \$43.00; copy of the Notice of Abandonment

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The dating stamp of the Patent Office on this card will be taken as an indication that the accompanying papers were filed.

Applicant Mark CARNALL

Serial No. 09/922,496

Paper dated November 10, 2003

Atty. Docket No. 3265-011266

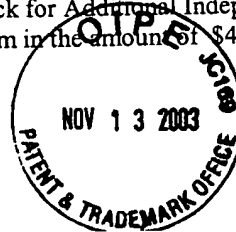
Amount of Checks \$475.00, \$43.00

RDO/JMS:psc

{W0089681.1}

"KARABINERS"

- Amendment Transmittal (1 p. in trip.);
- Petition for Extension of Time (2 pp. in trip.);
- Amendment (13 pp.);
- Check for Three Month Extension of Time -\$475.00;
- Check for Additional Independent Claim in the amount of \$43.00.



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Vendor: 2105 COMMISSIONER OF PATENTS

CHECK NO.

71674

DATE	INVOICE NO.	DESCRIPTION	VOUCHER NO.	INVOICE AMOUNT	DEDUCTION	BALANCE
11/10/03			45558	475.00	.00	475.00
CHECK DATE	11/10/2003	CHECK NUMBER	71674	TOTALS	475.00	.00
					475.00	



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\*\*Four Hundred Seventy Five dollars and 00/100 \*\*\*\*\*

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AMOUNT  
\$\*\*\*\*\*475.00

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COMMISSIONER OF PATENTS  
AND TRADEMARKS

Serial No. 09/922,496

*[Signature]*

⑈071674⑈ ⑆043000096⑆ 0001112709⑈

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11/10/2003	71674	475.00	.00	475.00
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DATE	INVOICE NO.	DESCRIPTION	VOUCHER NO.	INVOICE AMOUNT	DEDUCTION	BALANCE
11/10/03			45559	43.00	.00	43.00
<div data-bbox="97 367 300 514" data-label="Text"> <p>MAR 18 2004 TRADEMARK OFFICE</p> </div> <div data-bbox="974 441 1299 535" data-label="Text"> <p>COPY</p> </div> <div data-bbox="1339 378 1615 577" data-label="Text"> <p>RECEIVED MAR 22 2004 GROUP 38</p> </div>						
CHECK DATE	11/10/2003	CHECK NUMBER	71675	TOTALS	43.00	.00 43.00

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**LOGSDON ORKIN & HANSON, PC**  
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 PITTSBURGH, PA 15219-1818

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CHECK NO. 71675

\*\*Forty Three dollars and 00/100 \*\*\*\*\*

DATE 11/10/2003 CHECK NO. 71675 AMOUNT \$\*\*\*\*\*43.00

PAY TO THE ORDER OF  
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 AND TRADEMARKS  
 Serial No. 09/922,496

*David A. [Signature]*

"071675" 1043000096: 0001112709"

Branch: 1 The Webb Law Firm

Vendor: 2105 COMMISSIONER OF PATENTS

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11/10/2003	71675	43.00	.00	43.00
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# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,496	08/03/2001	Mark Carnall	3265-011266	7333

7590

05/09/2003

Russell D. Orkin  
WEBB ZIESENHEIM LOGSDON ORKIN & HANSON, P.C.  
700 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219-1818

EXAMINER

BRITTAIN, JAMES R

ART UNIT

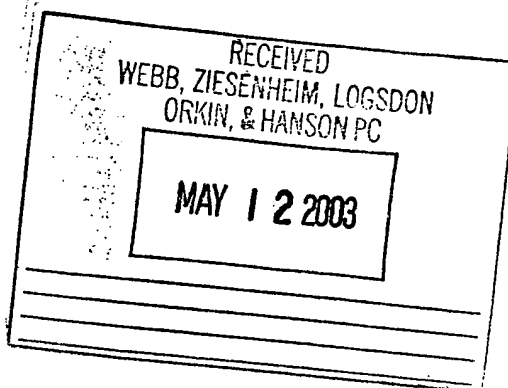
PAPER NUMBER

3677

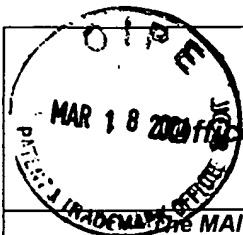
DATE MAILED: 05/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# COPY



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## Office Action Summary

Application No. 09/922,496	Applicant(s) CARNALL, MARK	
Examiner James R. Brittain	Art Unit 3677	

The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 4-8 and 12-28 is/are allowed.
- 6) ☒ Claim(s) 9 and 10 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

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### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

Art Unit: 3677

**DETAILED ACTION**

***Allowable Subject Matter***

Claims 1, 4-8 and 12-28 are allowed.

Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The indicated allowability of claims 9 and 10 is withdrawn in view of a new review reference(s) to Ludger (FR 2766884) and Herzog (DE 19732204). Rejections based on the newly cited reference(s) follow.

***Claim Objections***

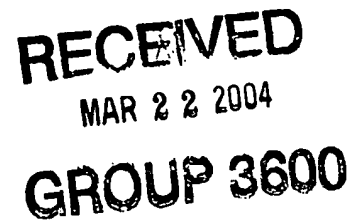
Claims 1 and 4-6 are objected to because of the following informalities: The terms "the wire" (claim 1, lines 6, 9; claim 4, line 2; claim 7, lines 6, 9), "the end of the gate" (lines 1 and 2 of each of claims 4-6), and "the two strands" (claim 1, line 9) lack clear antecedent basis. The expression "an other" (claim 7, line 4) should read -- another---. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludger (FR 2766884) in view of Herzog (DE 19732204).



Ludger (figures 1-4) teaches karabiner structure including a wire gate 5 doubled back with the free ends extending into the C-shaped body 1 and a slot 13 to receive the end of the gate 5 that is shaped to be the cross-piece 7. The difference is that the slot 13 lacks a narrow part extending into a larger part. It would have been obvious to shape the slot so that it has a narrow part leading to a larger part in view of Herzog (figures 1, 3) teaching karabiner structure with the C-shaped body 3 having a slot 9 with a narrower portion leading to a wider portion so as to better accommodate the cross-piece 15 and enhance the locking by providing a reaction surface for the locking bolt 11 so that the gate is locked thereby providing an enhanced function.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is 703-308-2222. The examiner can normally be reached on M-W & F from 5:30 to 2:00 and Th from 5:30 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Art Unit: 3677

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

James R. Brittain  
Primary Examiner  
Art Unit 3677

JRB  
May 5, 2003

# Notice of Abandonment

Application No.

Applicant(s)

09/922,496

CARNALL, MARK

Examiner

Art Unit

James R. Brittain

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

**COPY**

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 09 May 2003.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

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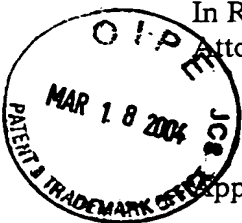
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James R. Brittain  
Primary Examiner  
Art Unit: 3677

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Appl. No.09/922,496  
Amendment dated November 10, 2003  
In Reply to Office Action of May 9, 2003  
Attorney Docket No. 3265-011266



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/922,496  
Applicant : Mark Carnall  
Title : KARABINERS  
Filed : August 3, 2001  
Group Art Unit : 3677  
Examiner : James R. Brittain

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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AMENDMENT

Sir:

In response to the Office Action of May 9, 2003, please amend the above-identified application as follows:

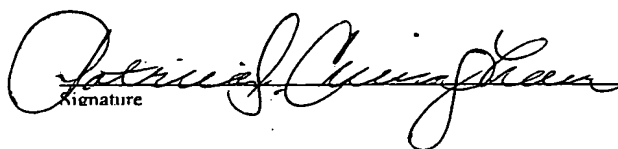
**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks** begin on page 10 of this paper.

A three-month Petition for Extension of Time is submitted herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 10, 2003.

\_\_\_\_\_  
Patricia S. Cunningham  
(Typed name of person mailing paper.)

  
Signature

11-10-03  
Date

**AMENDMENTS TO THE CLAIMS**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims**

**Claim 1 (currently amended):** A karabiner comprising a generally C-shaped body having free ends curved towards each other and forming a gap therebetween, and a gate for closing the gap, the gate being formed of a wire member shaped and located on one free end of the body, such that the gate is constrained to close the gap and ~~an other~~ another free end of the body having a slot for receiving a shaped end of the gate,

wherein the gate is formed by the wire member that is bent double defining two strands and has each free end further bent inwards towards the other to locate in a different hole on opposite sides of the one free end of the body, one hole being above the other, and

wherein from the one free end of the body, the two strands of the wire member are bent towards each other to approximately a mid-point of the gate until they overlap in a plane of the body.

**Claims 2 and 3 (canceled)**

**Claim 4 (currently amended):** The karabiner as claimed in claim 1, wherein at ~~the other~~ a free end the gate is shaped by bending of the wire member to form the shaped end.



**Claim 5 (currently amended):** The karabiner as claimed in claim 4, wherein the free end of the gate is bent over sideways.

**Claim 6 (currently amended):** The karabiner as claimed in claim 4, wherein a loop at the free end of the gate is enlarged.

**Claim 7 (currently amended):** A karabiner comprising a generally C-shaped body having free ends curved towards each other and forming a gap therebetween, and a gate for closing the gap, the gate being formed of a wire member shaped and located on one free end of the body, such that the gate is constrained to close the gap and ~~an other~~ another free end of the body having a slot for receiving a shaped end of the gate,

wherein the gate is formed by the wire member that is bent double and has each free end further bent inwards towards the other to locate in a different hole on opposite sides of the one free end of the body, one hole being above the other, and

wherein a loop formed where the wire member is bent double has a shaped nut that can locate in the slot of the other free end of the body.

**Claim 8 (previously presented):** The karabiner as claimed in claim 1, wherein a shaped nut is slid onto the gate.

**Claim 9 (currently amended):** A karabiner comprising a generally C-shaped body having free ends curved towards each other and forming a gap therebetween, and a gate for closing the gap, the gate being formed of a wire member shaped and located on

one free end of the body, such that the gate is constrained to close the gap and ~~an other~~  
another free end of the body having a slot for receiving a shaped end of the gate,

wherein the slot has from the other end of the body a first narrow part to  
accommodate the wire gate member leading to a wider second part to accommodate the  
shaped end of the gate.

**Claim 10 (previously presented):** The karabiner as claimed in claim 9,  
wherein a ledge is provided between the wide and narrow parts of the slot.

**Claim 11 (currently amended):** ~~The karabiner as claimed in claim 10, A~~  
karabiner comprising a generally C-shaped body having free ends curved towards each other  
and forming a gap therebetween, and a gate for closing the gap, the gate being formed of a  
wire member shaped and located on one free end of the body, such that the gate is  
constrained to close the gap and another free end of the body having a slot for receiving a  
shaped end of the gate,

wherein the slot has from the other end of the body a first narrow part to  
accommodate the wire member leading to a wider second part to accommodate the shaped  
end of the gate,

a ledge is provided between the wide and narrow parts of the slot, and

~~wherein~~ the ledge is in a plane substantially normal to a longitudinal axis of  
the gate.

**Claim 12 (previously presented):** The karabiner as claimed in claim 1, wherein one of the gate and the other end of the body carry additional locking means for when the gate is closed.

**Claim 13 (previously presented):** The karabiner as claimed in claim 12, wherein a thimble is provided on the gate, the thimble can be moved up the gate to overlap at least partially the other end of the body.

**Claim 14 (previously presented):** The karabiner as claimed in claim 13, wherein an outwardly screw threaded sleeve is provided on the gate and an internally screw threaded thimble is provided on the sleeve.

**Claim 15 (currently amended):** A karabiner comprising a generally C-shaped body having free ends curved towards each other and forming a gap therebetween, and a gate for closing the gap, the gate being formed of a wire member shaped and located on one free end of the body, such that the gate is constrained to close the gap and ~~an other~~ another free end of the body having a slot for receiving a shaped end of the gate,

wherein one of the gate and the other end of the body carry additional locking means for when the gate is closed, and

wherein a locking ring is mounted rotatably on the other end of the body, the ring having a slot therein, whereby in one position the gate can pass through the slot of the ring for its shaped end to locate in the slot of the other end of the body and then by rotating the ring, the slot therein is no longer accessible to the gate.

**Claim 16 (previously presented):** The karabiner as claimed in claim 12, wherein the gate is provided with a slidable locking member.

**Claim 17 (currently amended):** A karabiner comprising a generally C-shaped body having free ends curved towards each other and forming a gap therebetween, and a gate for closing the gap, the gate being formed of a wire member shaped and located on one free end of the body, such that the gate is constrained to close the gap and ~~an other~~ another free end of the body having a slot for receiving a shaped end of the gate,

wherein one of the gate and the other end of the body carry additional locking means for when the gate is closed,

wherein the gate is provided with a slidable locking member, and

wherein the locking member is slidable upwards when the gate is closed, the locking member having a finger that extends over the opposite side of the body to that of the slot opening to prevent the gate being pushed open.

**Claim 18 (previously presented):** The karabiner as claimed in claim 12, having a locking pin that is insertable through the other free end of the body of the karabiner and into or through the end of the gate to prevent it being pushed open.

**Claim 19 (currently amended):** A karabiner comprising a generally C-shaped body having free ends curved towards each other and forming a gap therebetween, and a gate for closing the gap, the gate being formed of a wire member shaped and located on one free end of the body, such that the gate is constrained to close the gap and ~~an other~~ another free end of the body having a slot for receiving a shaped end of the gate, and

having a locking pin that is insertable through the other free end of the body of the karabiner and into or through the end of the gate to prevent it being pushed open,

wherein one of the gate and the other end of the body carry additional locking means for when the gate is closed, and

wherein the locking pin is on a flexible or spring-biased tab attached to the gate.

**Claim 20 (currently amended):** A karabiner comprising a generally C-shaped body having free ends curved towards each other and forming a gap therebetween, and a gate for closing the gap, the gate being formed of a wire member shaped and located on one free end of the body, such that the gate is constrained to close the gap and ~~an other~~ another free end of the body having a slot for receiving a shaped end of the gate, and

having a locking pin that is insertable through the other free end of the body of the karabiner and into or through the end of the gate to prevent it being pushed open,

wherein one of the gate and the other end of the body carry additional locking means for when the gate is closed, and

wherein the pin is rotatably mounted in the slot of the other free end of the body between a first position wherein a lip on the end of the pin can pass through a loop of the wire gate and a second position wherein the lip retains the loop of the gate in the slot.

**Claim 21 (previously presented):** The karabiner as claimed in claim 1, wherein the slot of the other free end of the body faces inwards towards the body of the karabiner.

**Claim 22 (previously presented):** The karabiner as claimed in claim 1, wherein the slot is on the side of the other free end of the body.

**Claim 23 (previously presented):** The karabiner as claimed in claim 1, wherein the slot is shaped with a part that interengages with a loop of the wire gate.

**Claim 24 (previously presented):** A karabiner comprising a generally C-shaped body having free ends curved towards each other and forming a gap therebetween and a spring-biased gate for closing the gap located on one free end of the body and the other free end having a wire cage thereon for receiving the gate,

wherein the gate is formed by a wire that is bent double and from the one free end of the body, two strands of the wire are bent towards each other to approximately a mid-point of the gate until they overlap in a plane of the body.

**Claim 25 (previously presented):** A karabiner comprising a generally C-shaped body having free ends curved towards each other and forming a gap therebetween and a spring-biased gate for closing the gap located on one free end of the body and means for locking the gate in a closed position,

wherein the gate is formed by a wire that is bent double and from the one free end of the body, two strands of the wire are bent towards each other to approximately a mid-point of the gate until they overlap in a plane of the body.

**Claim 26 (previously presented):** The karabiner claimed in claim 25, wherein the locking means is a slidable locking member.

**Claim 27 (previously presented):** The karabiner as claimed in claim 26, wherein the locking member is slidable upwards on the gate and has a finger to extend over an opposite side of the body to that of the direction of opening of the gate.

**Claim 28 (previously presented):** The karabiner as claimed in claim 25, wherein a locking is provided on a flexible or spring-biased tab attached to the gate, which pin can be inserted through a hole in another end of the karabiner body and into a slot of the gate when closed.

### REMARKS

Claims 1 and 4-28 are pending in this application. Claims 1, 4-7, 9, 11, 15, 17, 19, and 20 are amended. No new subject matter is believed to have been added by these amendments. The Examiner is thanked for indicating that the subject matter of claims 1, 4-8, and 12-28 is allowed.

### CLAIM OBJECTIONS

Claims 1 and 4-6 are objected to for informalities. The Applicant believes that the above amendments to claims 1 and 4-6 overcome the Examiner's informality objections. Reconsideration of these objections is respectfully requested.

Claims 7, 9, 15, 17, 19, and 20 have been amended to correct minor editorial informalities.

Claim 11 stands objected to as being dependent upon a rejected base claim. Claim 11 has been written in independent form.

### 35 U.S.C. § 103 REJECTIONS

Claims 9 and 10 stand rejected under 35 U.S.C. §103(a) for obviousness based upon French Patent No. 2766884 to Ludger in view of German Patent No. 19732204 to Herzog. In view of the following remarks, the Applicant respectfully requests reconsideration of these rejections.

According to independent claim 9, the present invention is directed to a karabiner having a generally C-shaped body having free ends curved towards each other and forming a gap therebetween. The karabiner includes a gate for closing the gap. The gate is formed of a wire member shaped and located on one free end of the body, such that the gate



is constrained to close the gap. Another free end of the body has a slot for receiving a shaped end of the gate. The slot has from the other end of the body a first narrow part to accommodate the wire member leading to a wider second part to accommodate the shaped end of the gate.

The Herzog Patent teaches a pin extending transversely from the gate and received within a slot of the karabiner body. A locking member engages the pin to hold the gate in a closed position. The slot is not shaped or sized to correspond to a shaped end of the gate itself.

In the present invention, a keyhole shaped slot 38 is provided in the body of the karabiner for receiving a nut 36 on the end of the wire gate 20. The Herzog patent, conversely, illustrates an arrangement of a hook on the karabiner body that engages with a loop of a gate. A karabiner of the present invention on the other hand, has a nut on the gate that engages with a shaped slot in the karabiner body. The advantage of this arrangement is that both the nut and the slot can have a smooth profile which prevents ropes and the like from snagging (see page 7, second full paragraph.).

The Ludger patent discloses a karabiner having a generally C-shaped body with free ends curved towards each other. A gap is formed between the free ends. A gate is provided for closing the gap. The gate is a wire member located on one free end of the body. The other free end of the body has a slot for receiving an end of the gate. The Ludger patent also discloses that the wire is bent double to form the gate and has each free end further bent inward towards each other to locate in a different hole on opposite sides of the body, where one hole is above the other. The free end of the gate is shaped by bending the wire. The slot that accepts the end of the gate faces inward toward the body and is configured to engage a loop of the wire gate.

In the Ludger patent, the loop is on the gate and the hook is on the karabiner body. However, in the present invention the "hook" is the nut end of the gate and the "loop" is the slot of the karabiner body. The Ludger patent does not teach or suggest a slot on the other end of the karabiner body having a first narrow part to accommodate the wire gate leading to a wider second part to accommodate the shaped end of the gate. The Herzog patent discloses a slot for engaging an end of the gate, however the slot is not narrow to accept the wire member and then wider to accept a shaped end.

For the foregoing reasons, the Applicant believes that the subject matter of independent claim 9 is not rendered obvious by the Ludger patent in view of the Herzog patent. Reconsideration of the rejection of claim 9 is respectfully requested.

Claim 10 depends from and adds further limitations to independent claim 9 and is believed to be patentable for the reasons discussed hereinabove in connection with independent claim 9. Reconsideration of claim 10 is respectfully requested.

Appl. No.09/922,496  
Amendment dated November 10, 2003  
In Reply to Office Action of May 9, 2003  
Attorney Docket No. 3265-011266

CONCLUSION

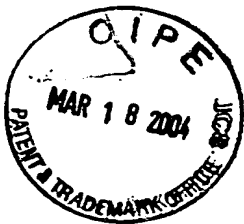
Based on the foregoing amendments and remarks, reconsideration of the rejections and allowance of pending claims 1 and 4-28 are respectfully requested.

Respectfully submitted,

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By  \_\_\_\_\_

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PATENT APPLICATION  
APPLICATION NO. 09/922,496  
ATTORNEY DOCKET NO. 3265-011266

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/922,496  
Applicant : Mark Carnall  
Filed : August 3, 2001  
Title : KARABINERS  
Group Art Unit : 3677  
Examiner : James R. Brittain  
Docket No. : 3265-011266

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Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW**  
**NOTICE OF ABANDONMENT UNDER 37 C.F.R. § 1.181(a)**

Sir:

The Applicant received a Notice of Abandonment of the above-identified patent application dated December 4, 2003 for failure to timely respond to the Office Action mailed May 9, 2003.

In response, the Applicant avers that a response was transmitted for filing via first-class mail with certification on November 10, 2003. The Office Action set a period of three months to respond, bringing the response to be due August 9, 2003. A Petition for a Three-Month Extension of Time was filed with the response. The three-month extension of time brought the response due on November 9, 2003. November 9, 2003 fell on a Sunday;

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on December 19, 2003.

Maria N. Dupain  
(Name of Person Mailing Paper)

*Maria N. Dupain*  
Signature

12/19/03  
Date

therefore, the response became due on the next business day, which was Monday, November 10, 2003.

Enclosed are the following documents in support:

- 1) a copy of the postcard receipt date-stamped by the OIPE on November 13, 2003, indicating receipt in the U.S. Patent and Trademark Office;
- 2) a copy of an Amendment/Extension of Time Transmittal Letter dated November 10, 2003;
- 3) a copy of a Petition for a Three-Month Extension of Time dated November 10, 2003;
- 4) a copy of a check in the amount of \$475.00 for the three-month extension of time;
- 5) a copy of an Amendment dated November 10, 2003;
- 6) a copy of a check in the amount of \$43.00 for an additional independent claim;
- 7) a copy of the Office Action dated May 9, 2003; and
- 8) a copy of the Notification of Abandonment dated December 4, 2003.

The Applicant respectfully requests that the Notice of Abandonment be withdrawn and the patent application be submitted for further prosecution.

Respectfully submitted,

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